



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/735,644 | 12/16/2003 | Jun Fujimoto | 024016-00074 | 3541 |
| 4372 | 7590 | 10/09/2007 | | |
| ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036 | | | EXAMINER HOTALING, JOHN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3714 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 10/09/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

Office Action Summary

Application No.

10/735,644

Applicant(s)

FUJIMOTO, JUN

Examiner

John M. Hotaling II

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (U.S. Patent 5,651,548) in view of Vuong et al. (U.S. Patent Application Publication 2002/0247042).

In general regarding French therein is discloses a table monitoring system that monitors gaming chips that are used on any table surface including a roulette table and the system has the ability to track, receive, process, and store the information obtained on the chip and associated with the player. See columns 2-6.

With respect to Vuong therein is disclosed a system related to local and remote gaming that uses antennas and readers to determine and manage the physical game play objects such as gaming pieces and chips and transmits and manipulates all of the information in order for the player to see the amount bet and the result of the game play. See specifically paragraphs 11, 34, 63-67, 71, 77, 84, and 86-88.

Regarding Claims 1 and 17, French discloses a game management system for managing various games that utilizes a roulette wheel with a plurality of pockets formed therein and a bet board having a plurality of bet areas formed corresponding to the pockets of the roulette wheel and that utilizes a chip betted on at least one of the bet

Art Unit: 3714

areas while anticipating on which one of the pockets a roulette ball thrown in the roulette wheel stops (col. 2, line 67; where a roulette game has a wheel with a plurality of pockets and a bet board corresponding to pockets for betting on pockets as is notoriously well known and established in the art of roulette), second detecting device arranged on the bet board for detecting a bet position and bet value of the chip when the chip is betted on the bet area (col. 2, lines. 36 – 47), payout calculating device for calculating a payout in the game based on the position of the pocket where the roulette ball stops and the value in the game detected by the first detecting device, the bet position and the bet value of the chip detected by the second detecting device (col. 3, lines. 5 - 11), and managing device for managing a history of the game based on a result detected by the second detecting device and the payout calculated by the payout calculating device (col. 3, lines. 34 – 47). French does not disclose detecting device for detecting the location of a roulette ball.

However, Vuong teaches including first detecting device for a roulette ball (para. 0065; where a roulette ball is electronically tracked with an electronic tag). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the roulette game with chip tracking of French with the method of electronically tracking a roulette ball of Vuong in order to more easily track the progress of a game electronically and increase convenience and game speed for a player.

Regarding Claims 2 – 3, French discloses a game management system including identification card issuing device for issuing an identification card identifying a participant participating in the various games, and reading device for reading

Art Unit: 3714

information identifying the participant recorded in the identification card issued by the identification card issuing device (col. 3, lines. 34 — 47; where player information is stored on an identification card), wherein the managing device manages the history of the game corresponding to the information identifying the participant read by the reading device based on the result detected by the first detecting device, the result detected by the second detecting device and the payout calculated by the payout calculating device (col. 3, lines. 39 — 47; where a player's wagering history is tracked using a chip detecting device and an identification card), wherein the identification card has a deposit reference part for referring a deposit deposited by the participant therein, and wherein the participant continues the game according to the deposit read from the deposit reference part (col. 3, lines. 47 — 54; where an identification card creates a sum deposit of a particular player's accrued winnings or losses).

Regarding Claims 4 — 5 and 9 — 10, French discloses a game management system with a roulette ball and system (col. 2, line 67) including a table with a plurality of antennas arranged under a table to track chips in play (col. 5, lns. 12 — 20), but does not disclose ball detection device. However, Vuong teaches a ball detection device wherein the first detecting device includes a first transmitting antenna and a first receiving antenna both of which are arranged parallel with each other on each of the pockets, a first scanning driver connected to both the first transmitting antenna and the first receiving antenna, a second transmitting antenna and a second receiving antenna both of which are arranged parallel with each other on each of the pockets, so as to cross the first transmitting antenna and the first receiving

Art Unit: 3714

antenna at right angle (para. 0065; where an antenna within a roulette ball and an antenna outside of a roulette ball track a ball, and may be in any configuration that is able to successfully detect a ball, including right angles); and a second scanning driver connected to both the second transmitting antenna and the second receiving antenna, wherein the first detecting device detects the pocket where the roulette ball stops by detecting a change of receiving state in electric wave detected by the first receiving antenna and the second receiving antenna, when scanning electric wave is sent from the first transmitting antenna by the first scanning driver and is sent from the second transmitting antenna by the second scanning driver (para. 0065; where a ball is located using electromagnetic radio waves). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the roulette game with chip tracking using a plurality of antennas to track chips in play of French with the method of electronically tracking a roulette ball of Vuong to create a ball tracking system where a plurality of antennas are used to electronically track a roulette ball in play just as chips are tracked electronically in play, where both a roulette ball and gaming chips are simply gaming elements in motion during a game within a certain gaming space that both include embedded electronic tracking devices, in order to more easily track the progress of a game electronically and increase convenience and game speed for a player.

Regarding Claims 6 — 8, French discloses a game management system for roulette, but does not disclose wireless identification information in a ball. However, Vuong teaches including identification information recording device arranged in the roulette ball, identification information identifying the roulette ball being recorded in

Art Unit: 3714

the identification information recording device, wherein the identification information includes at least information in connection with origin of the roulette ball, a place where the roulette ball can be utilized and a kind of the roulette ball (para. 0065; where a roulette ball may be individually tracked with a unique serial number), wherein the identification information recording device comprises a subminiature wireless ID tag embedded in the roulette ball, and wherein the identification information recorded in the subminiature wireless ID tag is read by the first detecting device (para. 0065), wherein it is determined whether the roulette ball can be utilized in the game or not, based on the identification information read by the first detecting device (para. 0065; where a serial number in a roulette ball may be used to determine if a roulette ball may be used in a particular game to increase security or ensure that defective balls are not used). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the roulette game with chip tracking of French with the method of electronically tracking a roulette ball of Vuong in order to more easily track the progress of a game electronically and increase convenience and game speed for a player.

Regarding Claims 11 — 12, French discloses a game management system including chip information recording device arranged in the chip, chip information being recorded in the chip information recording device; wherein the chip information includes at least information in connection with a specific number for identifying the chip, bet value and a place where the chip is utilized, wherein the chip information recording device comprises a subminiature wireless ID tag embedded in

Art Unit: 3714

the chip, and wherein the chip information recorded in the subminiature wireless ID tag is read by the second detecting device (col. 2, lines. 3 — 34).

Regarding Claims 13 — 16, French discloses a game management including a measuring device arranged corresponding to each of the bet areas in the bet board (col. 2, lines. 36 — 47; col. 6, lines. 12 — 14), but does not disclose a measuring device that calculates a number of the chips based on unit weight of one chip, wherein the measuring device comprises a semiconductor pressure sensor or determining whether the chip is forged or not by comparing the calculated number of the chips by the measuring device with the result detected by the second detecting device, when the calculated number of the chips does not coincide with the result detected by the second detecting device. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the electronic chip tracking system of French with an additional weight sensor using any type of specific sensor, including a semiconductor pressure sensor, and performing a weight per chip security check in order to further increase security for chips and prevent unauthorized use of chips.

Regarding Claim 18, French discloses a game management system for managing various games conducted in game arcades installed in a casino arranged in a hotel, the game management system including an identification card issuing device installed in the hotel for issuing an identification card which is issued to a guest of the hotel when checking in to identify the guest, the guest being able to utilize various services provided in the hotel by using the identification card; a reading device installed

Art Unit: 3714

in the casino for reading information identifying the guest recorded in the identification card issued by the identification card issuing device; and a managing device for managing a history of the game conducted in the game arcades corresponding to the information identifying the guest read by the reading device (col. 5, lns. 45 — 57; where a card is issued to a player and may be issued at any location by a casino, and further is used to identify the player), wherein the identification card has a deposit reference part for referring a deposit deposited by the guest of the hotel therein, and wherein the guest continues the game according to the deposit read from the deposit reference part (col. 3, lines. 34 — 47; where a player's deposit reference wagering history is used for providing a player with benefits while playing).

Regarding Claim 20, French discloses a game management system including a game medium issuing device for issuing a game medium utilizable in the game arcades by using the identification card (col. 3, lines. 34 — 47; where comps may be awarded to players in the form of chips based on player history as is well known and established in the art).

Response to Arguments

Applicant's arguments filed 5/17/07 have been fully considered but they are not persuasive. With respect to the applicant's arguments that there is no disclosure of a payout calculating means or calculating anything at all see paragraph 3 25-46 that discloses that the betting value is calculated. Additionally 6:12-26 discloses identifying the value of the gaming chips and summing the value of the gaming chips and calculating the win loss with is calculating the wager and the outcome. Additionally it is

noted that the reference to Vuong additionally teaches calculating the payout of a wager as noted above.

With respect to the argument that Vuong does not teach a payout based on a outcome of roulette please see above and paragraphs 11 and 65 and the disclosure of the reference taken as a whole.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JOHN M. HOTALING, II
PRIMARY EXAMINER

